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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,860	04/12/2004	Federico Cabrele	713-1121	1818
7590 07/12/2007 LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 Diagonal Road, Suite 310 ALEXANDRIA, VA 22314			EXAMINER MITCHELL, KATHERINE W	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,860

Applicant(s)

CABRELE, FEDERICO

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/24/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,8-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,8-15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. The request filed on 4/24/2007 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added. An action on the RCE follows.

Formal Matters

2. NOTE: IN ALL DISCUSSIONS: "MLS" means main longitudinal slots, "SLS" means secondary longitudinal slots, "MLAT" means main longitudinal anchoring tongues; "SLAT" means secondary longitudinal anchoring tongues. Further, it is taken that a longitudinal anchoring tongue can be referred to as a longitudinal tongue.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 4,6,8-13, and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...wherein each said SLS defines, on the central portion and with an adjacent MLS and/or an adjacent SLS, respective deformable SLATs...". Examiner does not see and "and/or" is correct. Where was it illustrated, and how is it possible, that each SLS defines, with an adjacent MLS AND an adjacent SLS, respective deformable SLATs? Further, if "OR" is selected, how does each SLS with

Art Unit: 3677

either an adjacent SLS OR an adjacent MLS, define SLATs (PLURAL)-- it would seem only one tongue is defined.

Claim 17 recites "SLSs defining pairs of SLATs wherein the pairs are configured so that the anchoring tongues of each pair are each located on opposite sides of the plane..." If SLSs define pairs (plural) of SLATs, and the anchoring tongues of each pair are each located on opposite sides of the plane, how is it possible to have at least 4 tongues each on opposite sides of the plane - there are just 2 opposite sides of a plane.

Claims 4,6,8-13, and 18 are rejected as depending on rejected claims.

Further Re claim 13: How does a hole have ribs? Examiner assumes ribs extend into the hole.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,4,6 10,11,12,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiemann, EP 1248000.

Re claims 1,4: Tiemann teaches a screw anchor with a deformable central portion in which MLSs are formed, said MLSs extending parallel to the plane of the longitudinal axis of the screw anchor, and defining serrated MLATs on opposite sides of said plane, and

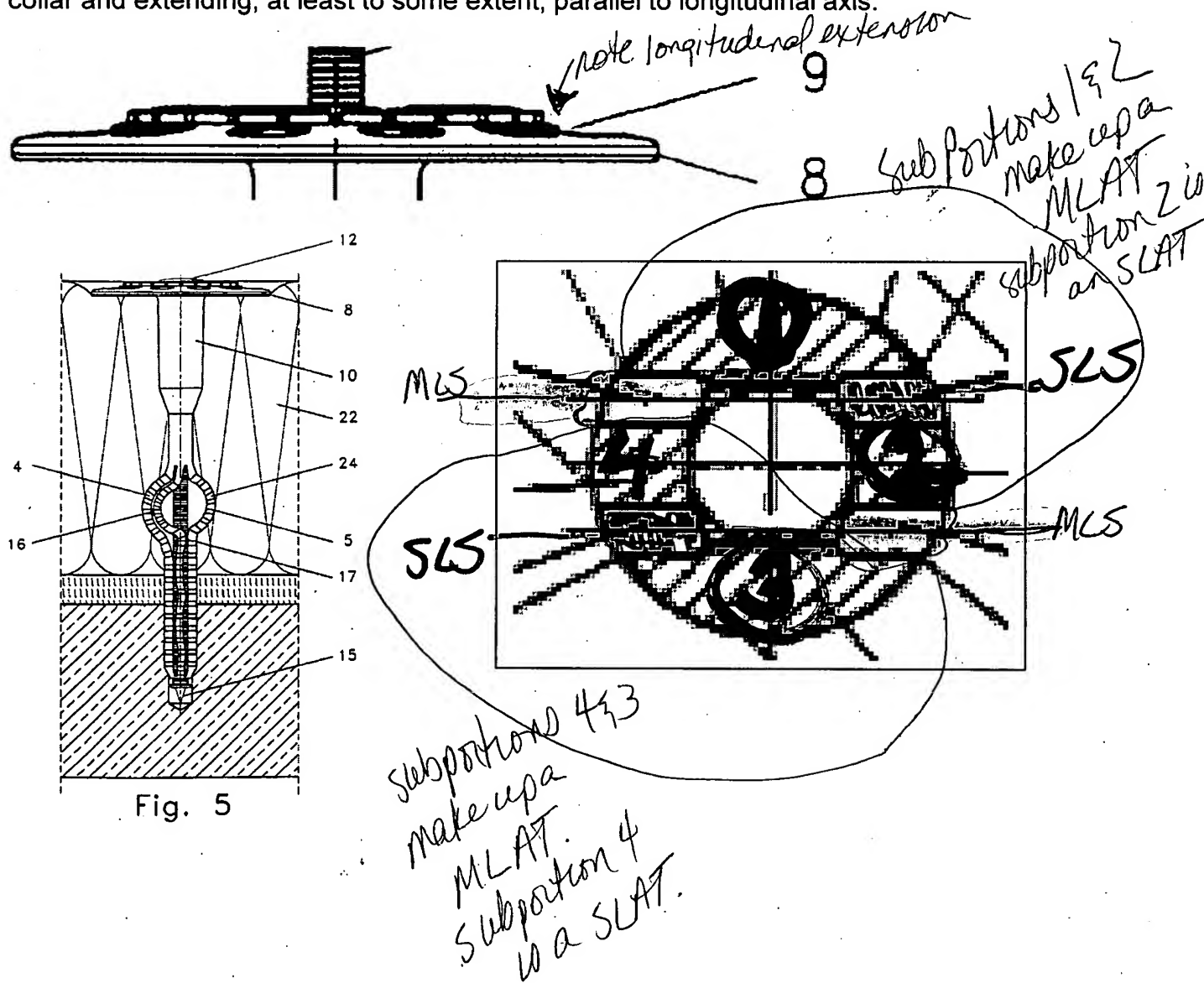
Art Unit: 3677

SLSs formed in said central portion, each SLS defining, along with and adjacent MLS and/or (see 112 above) adjacent SLS, respective deformable serrated SLATs, with the MLS and SLS being non-equidistantly arranged about the periphery of the screw anchor.

Re claim 6: The MLSs are spaced apart on the central portion.

Re claim 10: "10" is considered the collar, and Fig 5 shows the collar with an annular flange "8".

Re claim 11: Fig 1 (detail below) shows projecting appendices 9 integral with collar and extending, at least to some extent, parallel to longitudinal axis.



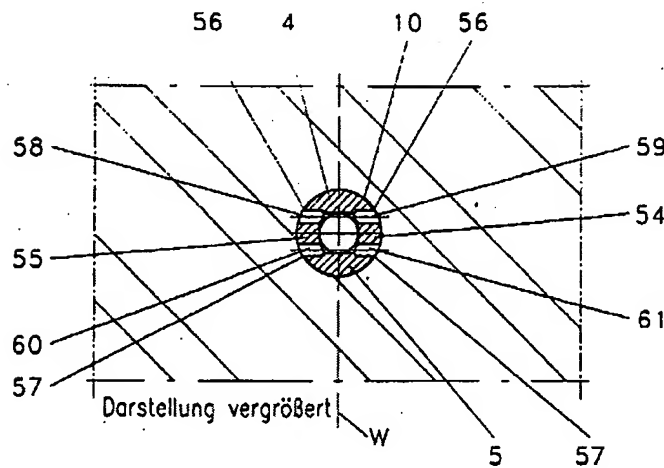
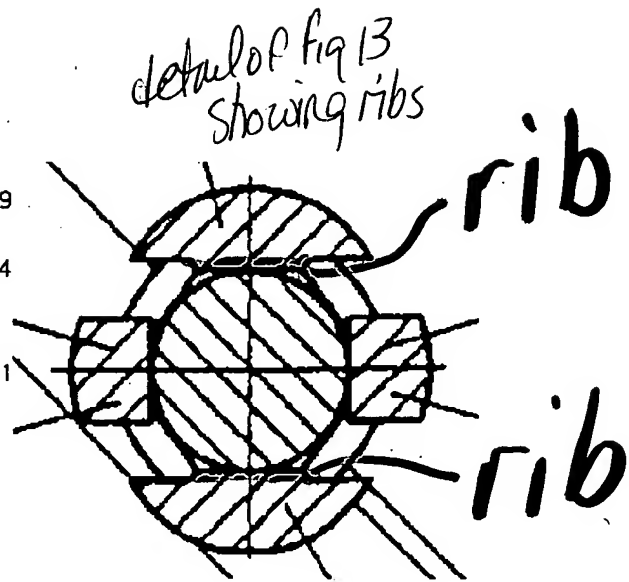


Fig. 12

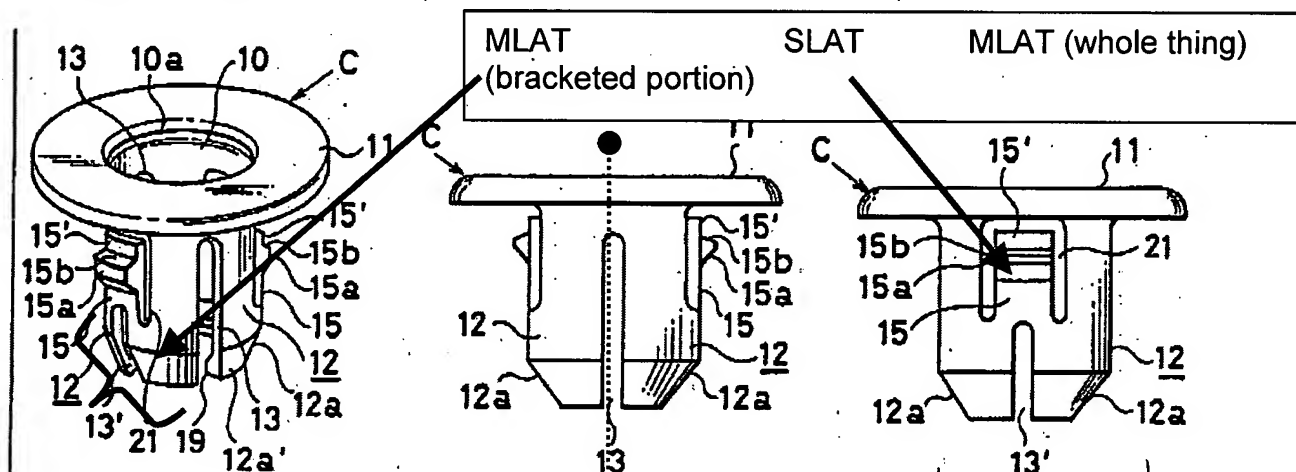


Re 12: Portion at end near "15" in Fig 5 is considered a head at 2nd end.

Re 13: There is a coaxial through hole. There are internal longitudinal ribs (see detail of cross sectional cut, ^{Fig 13} above, extending into hole.

7. Claims 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubogochi et al, USP 4952106, hereafter 106; or by Fischer, USP 5603593.

- 106 teaches a screw anchor comprising main longitudinal tongues (entire side shown in Fig 4)



axis/plane
into/out of page

this is one MLAT.
A SLAT is formed
by SL5 "21"

Art Unit: 3677

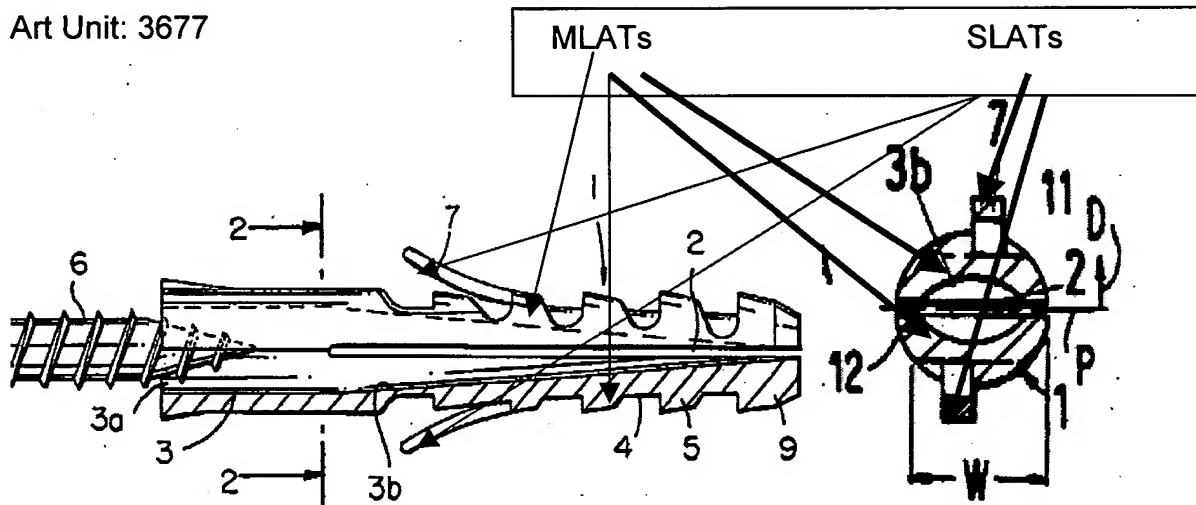
As Fig 3 (middle figure above) shows, the MLATs are diametrically opposite each other with respect to a longitudinal axis of the anchor. SLATs are arranged in pairs (1 SLAT forms a pair with the other SLAT to form a pair of diametrically opposed SLATs, and each respective SLAT is arranged with (surrounded by) the respective MLAT that surrounds it to form a pair of tongues on the same side of the axis. Each SLAT is shorter than and narrower in width than each MLAT.

Re 15: MLATs are separated by MLS (13 (not 13')) which extend essentially parallel to a plane on which the screw anchor longitudinal axis lies, and the MLATs lie on opposite sides of the plane (Plane drawn by examiner on Fig 3 above is a plane going into and coming out of the page, and this plane includes anchor longitudinal axis)

- Fischer teaches a screw anchor comprising main longitudinal tongues (MLATs) with the MLATs are diametrically opposite each other with respect to a longitudinal axis of the anchor. (MLATs are each the two halves formed by longitudinal slot 2) SLATs 7 are arranged in pairs (1 SLAT forms a pair with the other SLAT to form a pair of opposed SLATs, and each respective SLAT is arranged with (surrounded by) the respective MLAT that surrounds it to form a pair of tongues on the same side of the axis. Each SLAT is shorter than and narrower in width than each MLAT.

Re 15: MLATs are separated by MLS (2) which extend essentially parallel to a plane on which the screw anchor longitudinal axis lies, and the MLATs lie on opposite sides of the plane

Art Unit: 3677



Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

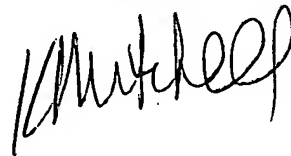
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
Art Unit 3677



7/2/2007